

Appln. No. 09/804,093  
Filing Date: March 12, 2001  
Docket No. 6511-C1-11-EJF

For the Election of Active Agent, Applicants elect species I, Agrochemicals and Pharmaceuticals. Claims 55 and 56 are readable on the elected species.

II. REMARKS

Applicants hereby traverse each election of species for the following reasons:

Claims of the present application are directed to gelatin compositions, containers made from the compositions and methods of making the compositions. The hydrocolloid setting system, as grouped therein, are all well-known hydrocolloid setting systems. A search of this invention should be the same regardless of the hydrocolloid system.

Similarly, the Examiner has required election of a specific product form. The claimed composition can be used in the three different forms, each of which is used in a similar manner. Likewise, the three actives are each known to be filled into each of the three containers. A search, therefore, of the broad claims would likewise impose no greater burden on the PTO.

Furthermore, Applicants respectfully submit that the subject matter of claims 34-62 is sufficiently related that a thorough search of the subject matter of any species of claims would encompass a search for the subject matter of all of the species of the claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions." (emphasis added). It is respectfully submitted that this policy should be applied to the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

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**III. CONCLUSION**

Applicants respectfully request withdrawal of the restriction election of species and an action on the merits on all of the claims in this application.

Applicants' counsel may be reached by telephone at (973) 385-5263. All correspondence should be directed to our below listed address.

Respectfully submitted,



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